

As used in this Article:

- (1) 'Health care facility' includes a hospital and maternity home; and
- (2) 'Attending practitioner' includes a physician, licensed nurse, or other licensed professional provider of health care who assists in a birth.

" § 48-3-402. Authorization required to transfer physical custody.

(a) A health care facility or attending practitioner who has physical custody may release a minor for the purpose of adoption to a prospective adoptive parent or agency not legally entitled to the custody of the minor if, in the presence of an employee of the health care facility or the attending practitioner:

- (1) A parent, guardian, or other person or entity having legal custody of the minor signs an authorization of the transfer of physical custody; and
- (2) The authorization states that the release is for the purpose of adoption.

(b) The health care facility or attending practitioner shall retain the authorization described in subsection (a) of this section for at least one year.

"Part 5. Custody of Minors Pending Final Decree of Adoption.

" § 48-3-501. Petitioner entitled to custody in direct placement adoptions.

Unless the court orders otherwise, when a parent or guardian places the adoptee directly with the petitioner, the petitioner acquires that parent's or guardian's right to legal and continuing physical custody of the adoptee and becomes a person responsible for the care and support of the adoptee, after the earliest of:

- (1) The execution of consent by the parent or guardian who placed the adoptee;
- (2) The filing of a petition for adoption by the petitioner; or
- (3) The execution of a document by a parent or guardian having legal and physical custody of a minor temporarily transferring custody to the petitioner, pending the execution of a consent.

" § 48-3-502. Agency entitled to custody in placement by agency.

(a) Unless the court orders otherwise, during a proceeding for adoption in which an agency places the adoptee with the petitioner:

- (1) The agency retains legal but not physical custody of the adoptee until the adoption decree becomes final; but
- (2) The agency may delegate to the petitioner responsibility for the care and support of the adoptee.

(b) Before a decree of adoption becomes final, the agency may for cause petition the court to dismiss the adoption proceeding and to restore full legal and physical custody of the minor to the agency; and the court may grant the petition on finding that it is in the best interest of the minor.

"Part 6. Consent to Adoption.

" § 48-3-601. Persons whose consent to adoption is required.

Unless consent is not required under G.S. 48-3-603, a petition to adopt a minor may be granted only if consent to the adoption has been executed by:

- (1) The minor to be adopted if 12 or more years of age;
- (2) In a direct placement, by:
 - a. The mother of the minor;